

Article 14.

Department of Military and Veterans Affairs

Part 1. General Provisions.

**§ 143B-1210. Organization.**

(a) There is established the Department of Military and Veterans Affairs. The head of the Department of Military and Veterans Affairs is the Secretary of Military and Veterans Affairs, who shall be known as the Secretary.

(b) The powers and duties of the deputy secretaries and the divisions and directors of the Department shall be subject to the direction and control of the Secretary of Military and Veterans Affairs. (2015-241, s. 24.1(b); 2015-268, s. 7.3(a).)

**§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.**

It shall be the duty of the Department of Military and Veterans Affairs to do all of the following:

- (1) Provide active outreach to the United States Department of Defense and the United States Department of Homeland Security and their associated establishments in North Carolina in order to support the military installations and activities in the State, to enhance North Carolina's current military-friendly environment and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the State.
- (2) Promote the industrial and economic development of localities included in or adjacent to United States government military and national defense activities and those of the State.
- (3) Provide technical assistance and coordination between the State, its political subdivisions, and the United States military and national defense activities within the State of North Carolina.
- (4) Award grants to local governments, State and federal agencies, and private entities at the direction of the Secretary. The number of grants awarded and the level of funding of each grant for each fiscal year shall be contingent upon and determined by funds appropriated for that purpose by the General Assembly.
- (5) Provide active outreach to the United States Department of Veterans Affairs, the veterans service organizations, and the veterans community in North Carolina to support and assist North Carolina's veterans in identifying and obtaining the services, assistance, and support to which they are entitled, including monitoring efforts to provide services to veterans, newly separated service members, and their immediate family members and disseminating relevant materials.
- (6) Monitor and enhance efforts to provide assistance and support for veterans living in North Carolina and members of the North Carolina National Guard and North Carolina residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

- (7) Seek and receive monies from any source, including federal funds, gifts, grants, and devises, which shall be expended for the purposes designated in this Article.
- (8) Provide active outreach, coordination, formal training and standards, and official certification to localities of the State and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the State program.
- (9) Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans' benefit requests by the United States Department of Veterans Affairs, including requests for service connected to health care, mental health care, and disability payments.
- (10) Manage and maintain the State's veterans nursing homes and cemeteries and their associated assets to the standard befitting those who have worn the uniform of the Armed Forces according to federal guidelines. Plan for expansion and grow the capacity of these facilities and any new facilities as required pending the availability of designated funds.
- (11) Manage and maintain the State's Scholarships for Children of Wartime Veterans in accordance with Part 2 of Article 14 of Chapter 143B of the General Statutes and in support of the Veterans' Affairs Commission.
- (12) Provide administrative, organizational, and funding support to the Governor's Working Group for Veterans.
- (12a) Provide administrative services to the North Carolina Military Affairs Commission pursuant to G.S. 143B-1310(a).
- (13) Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.
- (14) Work with the appropriate heads of the principal departments to coordinate working relationships between State agencies and take all actions necessary to ensure that available federal and State resources are directed toward assisting veterans and addressing all issues of mutual concern to the State and the Armed Forces of the United States, including, but not limited to, quality of life issues unique to North Carolina's military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the State, and intergovernmental support agreements with state and local governments.
- (15) Educate the public on veterans and defense issues in coordination with applicable State agencies.
- (16) Adopt rules and procedures for the implementation of this section.
- (17) Assist veterans, their families, and dependents in the presentation, processing, proof, and establishment of such claims, privileges, rights, and benefits as they may be entitled to under federal, State, or local laws, rules, and regulations.
- (18) Aid persons in active military service and their dependents with problems arising out of that service that come reasonably within the purview of the Department's program of assistance.

- (19) Collect data and information as to the facilities and services available to veterans, their families, and dependents and to cooperate with agencies furnishing information or services throughout the State in order to inform such agencies regarding the availability of (i) education, training, and retraining facilities; (ii) health, medical, rehabilitation, and housing services and facilities; (iii) employment and reemployment services; and (iv) provisions of federal, State, and local laws, rules, and regulations affording rights, privileges, and benefits to veterans, their families, and dependents, and in respect to such other matters of similar, related, or appropriate nature not herein set out.
- (20) Establish such field offices, facilities, and services throughout the State as may be necessary to carry out the purposes of this Article.
- (21) Cooperate, as the Department deems appropriate, with governmental, private, and civic agencies and instrumentalities in securing services or benefits for veterans, their families, dependents, and beneficiaries.
- (22) Enter into any contract or agreement with any person, business, governmental agency, or other entity in furtherance of the purposes of this Article.
- (23) Train, assist, and provide guidance to the employees of any county, city, town, or Indian tribe who are engaged in veterans service. Authority is hereby granted to the governing body of any county, city, or town to appropriate such amounts as it may deem necessary to provide a veterans services program, and the expenditure of such funds is hereby declared to be for a public purpose; such program shall be operated in affiliation with this Department as set forth above and in compliance with Department policies and procedures.
- (24) Contribute each fiscal year to each county that applies for it an amount for the maintenance and operation of a county veterans services program. Participating counties shall furnish the Department such reports, accountings, and other information at such times and in such form as the Department may require. The amount contributed to each county under this subdivision shall be as follows:
  - a. If funds appropriated to the Department for contributions under this subdivision exceed the total amount of county requests received by December 31 of each year, the contribution to each county shall be the full amount requested by each county.
  - b. If the funds appropriated to the Department for contributions under this subdivision are insufficient to fund the full amount of county requests received by December 31 of each year, the contribution to each county shall be a pro rata share of the amount appropriated to the Department for contributions under this section, up to the amount requested by the county. (2015-241, ss. 24.1(b), 24.2; 2015-268, s. 7.3(a); 2017-57, s. 19.1(d).)

**§ 143B-1212. Personnel of the Department of Military and Veterans Affairs.**

Notwithstanding G.S. 114-2.3, the Secretary of Military and Veterans Affairs shall have the power to appoint all employees, including consultants and legal counsel, necessary to carry out the powers and duties of the office. These employees shall be subject to the North Carolina Human Resources Act, except that employees in positions designated as exempt under G.S. 126-5(d)(1)

are not subject to the Act, in accordance with the provisions of that section. (2015-241, s. 24.1(b); 2015-268, s. 7.3(a).)

### **§ 143B-1213. Definitions.**

Except where provided otherwise, the following definitions apply in this Chapter:

- (1) Department. – The Department of Military and Veterans Affairs.
- (2) Secretary. – The Secretary of Military and Veterans Affairs.
- (3) Veteran. – One of the following, as applicable:
  - a. For qualifying as a voting member of the State Board of Veterans Affairs and as the State Director of Veterans Affairs, a person who served honorably during a period of war as defined in Title 38, United States Code.
  - b. For entitlement to the services of the Department of Military and Veterans Affairs, any person who may be entitled to any benefits or rights under the laws of the United States by reason of service in the Armed Forces of the United States. (2015-241, s. 24.1(b); 2015-268, s. 7.3(a).)

### **§ 143B-1214. Appropriations.**

Appropriations for the Department shall be made from the general fund of the State, and the Governor, with the approval of the Council of State, is hereby authorized and empowered to allocate from time to time from the Contingency and Emergency Fund, such funds as may be necessary to carry out the intent and purposes of this Part. (1945, c. 723, s. 1; 1967, c. 1060, s. 1; 2015-241, s. 24.1(e); 2015-268, s. 7.3(a).)

### **§ 143B-1215. Copies of records to be furnished to the Department of Military and Veterans Affairs.**

(a) Whenever copies of any State and local public records are requested by a representative of the Department of Military and Veterans Affairs in assisting persons in obtaining any federal, State, local or privately provided benefits relating to veterans and their beneficiaries, the official charged with the custody of any such records shall without charge furnish said representative with the requested number of certified copies of such records; provided, that this section shall not apply to the disclosure of information in certain privileged and confidential records referred to elsewhere in the General Statutes of North Carolina, which information shall continue to be disclosed in the manner prescribed by the statute relating thereto.

(b) No official chargeable with the collection of any fee or charge under the laws of the State of North Carolina in connection with his official duties shall be held accountable on his official bond or otherwise for any fee or charge remitted pursuant to the provisions of this section. (1967, c. 1060, s. 1; 1973, c. 620, s. 9; 1977, c. 70, s. 27; 2015-241, ss. 24.1(e), (ff); 2015-268, s. 7.3(a).)

### **§ 143B-1216. Confidentiality of Department of Military and Veterans Affairs records.**

Notwithstanding any other provisions of this Chapter, no records of the Department of Military and Veterans Affairs shall be disclosed or used for any purpose except for official purposes, and no records shall be disclosed, destroyed or used in any manner which is in violation of any existing federal law or regulation. Nothing in this Chapter shall convert records which are the property of

the federal government into State property. (1977, c. 70, s. 28; 2015-241, ss. 24.1(e), (gg); 2015-268, s. 7.3(a).)

**§ 143B-1217. Military Presence Stabilization Fund.**

(a) The Military Presence Stabilization Fund is established as a special fund in the Department of Military and Veterans Affairs. Funds in the Military Presence Stabilization Fund shall be used to fund actions designed to make the State less vulnerable to closure pursuant to federal Base Realignment and Closure and related initiatives. The North Carolina Military Affairs Commission shall approve the use of the Fund for this purpose.

(b) Notwithstanding the provisions of G.S. 143B-1214 and subsection (a) of this section, funds appropriated to the Military Presence Stabilization Fund may be used for the following purposes:

- (1) Unless otherwise authorized by the General Assembly, up to two hundred twenty-five thousand dollars (\$225,000) to provide grants to local communities or military installations for actual project expenses. Grant funds shall not be used to pay for lobbying the General Assembly, salaries, travel, or other administrative costs. The North Carolina Military Affairs Commission shall establish guidelines for applying for these grants.
- (2) Administrative expenses and reimbursements for members of the North Carolina Military Affairs Commission.
- (3) Federal advocacy and lobbying support.
- (4) Updates to strategic planning analysis and strategic plan.
- (5) Economic impact analyses.
- (6) Public-public/public-private (P4) initiatives.
- (7) Identification and implementation of innovative measures to increase the military value of installations.
- (8) Fully fund a position at the North Carolina Economic Development Center.

(c) The North Carolina Military Affairs Commission shall report to the Joint Legislative Oversight Committee on General Government no later than February 15 of each year on expenditures from the Military Presence Stabilization Fund. (2015-241, s. 24.3(a); 2017-57, s. 19.1(e); 2020-78, s. 17.1(a).)

**§ 143B-1218:** Reserved for future codification purposes.

**§ 143B-1219:** Reserved for future codification purposes.

Part 2. Veterans' Affairs Commission.

**§ 143B-1220. Veterans' Affairs Commission – creation, powers and duties.**

There is hereby created the Veterans' Affairs Commission of the Department of Military and Veterans Affairs. The Veterans' Affairs Commission shall have the following functions and duties, as delegated by the Secretary of Military and Veterans Affairs:

- (1) To advise the Secretary of Military and Veterans Affairs on matters relating to the affairs of veterans in North Carolina;
- (2) To maintain a continuing review of the operation and budgeting of existing programs for veterans and their dependents in the State and to make any recommendations to the Secretary of Military and Veterans Affairs for

improvements and additions to such matters to which the Secretary shall give due consideration;

- (3) To promulgate rules and regulations concerning the awarding of scholarships for children of North Carolina veterans as provided by this Article. The Commission shall make rules and regulations consistent with the provisions of this Article. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the State Board of Veterans' Affairs shall remain in full force and effect unless and until repealed or superseded by action of the Veterans' Affairs Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Military and Veterans Affairs; and
- (4) Repealed by Session Laws 2020-78, s. 17.2, effective July 1, 2020.
- (5) To advise the Secretary on any matter the Secretary may refer to it. (1973, c. 620, s. 7; 1977, c. 70, ss. 24, 25, 27; c. 622; 1991 (Reg. Sess., 1992), c. 998, s. 1; 1993, c. 553, s. 47; 2015-241, s. 24.1(c), (bb); 2015-268, s. 7.3(a); 2020-78, s. 17.2.)

**§ 143B-1221. Veterans' Affairs Commission – members; selection; quorum; compensation.**

The Veterans' Affairs Commission of the Department of Military and Veterans Affairs shall consist of one voting member from each congressional district, all of whom shall be veterans, appointed by the Governor for four-year terms. In making these appointments, the Governor shall insure that both major political parties will be continuously represented on the Veterans' Affairs Commission.

The initial members of the Commission shall be the appointed members of the current Veterans' Affairs Commission who shall serve for the remainder of their current terms and six additional members appointed by the Governor for terms expiring June 30, 1981. Thereafter, all members shall be appointed for terms of four years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor shall have the power to remove any member of the Commission in accordance with provisions of G.S. 143B-13.

In the event that more than 11 congressional districts are established in the State, the Governor shall on July 1 following the establishment of such additional congressional districts appoint a member of the Commission from that congressional district. If on July 1, 1977, or at any time thereafter due to congressional redistricting, two or more members of the Veterans' Affairs Commission shall reside in the same congressional district then such members shall continue to serve as members of the Commission for a period equal to the remainder of their current terms on the Commission provided that upon the expiration of said term or terms the Governor shall fill such vacancy or vacancies in such a manner as to insure that as expeditiously as possible there is one member of the Veterans' Affairs Commission who is a resident of each congressional district in the State.

The Governor shall designate from the membership of the Commission a chairman and vice-chairman of the Commission who shall serve at the pleasure of the Governor. The Secretary of the Department of Military and Veterans Affairs or his designee shall serve as secretary of the Commission.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

The Veterans' Affairs Commission shall meet at least twice a year and may hold special meetings at any time or place within the State at the call of the chairman, at the call of the Secretary of the Department of Military and Veterans Affairs or upon the written request of at least six members.

All clerical and other services required by the Commission shall be provided by the Secretary of the Department of Military and Veterans Affairs. (1973, c. 620, s. 8; 1977, c. 70, ss. 24, 25, 27; c. 637, s. 1; 2015-241, ss. 24.1(c), (cc); 2015-268, s. 7.3(a).)

#### **§ 143B-1221.1. Strategic plan.**

(a) Strategic Plan. – The Veterans' Affairs Commission shall adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. The strategic plan shall include specific objectives related to the following topics:

- (1) Improving accessibility of health, education, training, counseling, financial, and burial benefits and services to veterans and their dependents.
- (2) Increasing the satisfaction of veterans and their dependents with benefits and services by meeting their expectations for availability, quality, timeliness, and responsiveness.
- (3) Educating and empowering veterans and their dependents through proactive outreach and effective advocacy.
- (4) Any other topic related to enhancing benefits for veterans and their dependents.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government. (2017-29, s. 1.)

#### **§ 143B-1222. Veterans' Affairs Commission Advisory Committee – members; compensation.**

The department commander or official head of each veterans' organization which has been chartered by an act of the United States Congress and which is legally constituted and operating in this State pursuant to said charter shall constitute an Advisory Committee to the Veterans' Affairs Commission. Members of the Veterans' Affairs Commission Advisory Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. (1977, c. 637, s. 3; 2015-241, s. 24.1(c); 2015-268, s. 7.3(a).)

#### **§ 143B-1223. Purpose.**

In appreciation for the service and sacrifices of North Carolina's war veterans and as evidence of this State's concern for their children, there is hereby continued a revised program of scholarships for said children as set forth in this Part. (1967, c. 1060, s. 8; 2015-241, s. 24.1(c); 2015-268, s. 7.3(a).)

#### **§ 143B-1224. Definitions.**

As used in this Part the terms defined in this section shall have the following meaning:

- (1) "Active federal service" means full-time duty in the Armed Forces other than active duty for training; however, if disability or death occurs while on active duty for training (i) as a direct result of armed conflict or (ii) while engaged in

- extra-hazardous service, including such service under conditions simulating war, such active duty for training shall be considered as active federal service.
- (2) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including their reserve components.
  - (3) "Child" means a person: (i) under 25 years of age at the time of application for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident of North Carolina when applying for a scholarship, (iii) who has completed high school or its equivalent prior to receipt of a scholarship awarded under this Part, (iv) who has complied with the requirements of the Selective Service System, if applicable, and (v) who further meets one of the following requirements:
    - a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of service in the Armed Forces during which eligibility is established under G.S. 143B-1226.
    - b. A veteran's child who was born in North Carolina and has been a resident of North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Military and Veterans Affairs if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child was returned to North Carolina within a reasonable period of time where said child has since lived continuously.
    - c. A person meeting either of the requirements set forth in subdivision (3) a or b above, and who is a child, as that term is defined in 37 U.S.C. § 401.
  - (4) "Period of war" and "wartime" shall mean any of the periods or circumstances as defined below:
    - a. World War I, meaning (i) the period beginning on April 6, 1917 and ending on November 11, 1918, and (ii) in the case of a veteran who served with the Armed Forces in Russia, the period beginning on April 6, 1917 and ending on April 1, 1920.
    - b. World War II, meaning the period beginning on December 7, 1941 and ending on December 31, 1946.
    - c. Korean Conflict, meaning the period beginning on June 27, 1950 and ending on January 31, 1955.
    - d. Vietnam era, meaning the period beginning on August 5, 1964, and ending on May 7, 1975.
    - e. Persian Gulf War, meaning the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or concurrent resolution of the United States Congress.
    - f. Any period of service in the Armed Forces during which the veteran parent of an applicant for a scholarship under this Part suffered death or disability (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war.



- (5) "Private educational institution" means any junior college, senior college or university which is operated and governed by private interests not under the control of the federal, State or any local government, which is located within the State of North Carolina, which does not operate for profit, whose curriculum is primarily directed toward the awarding of associate, baccalaureate or graduate degrees, which agrees to the applicable administration and funding provisions of G.S. 143B-1227, of this Part, and which is otherwise approved by the State Board of Veterans Affairs.
- (6) "State educational institution" means any constituent institution of The University of North Carolina, or any community college operated under the provisions of Chapter 115D of the General Statutes of North Carolina.
- (7) "Veteran" means a person who served as a member of the Armed Forces in active federal service during a period of war and who was either separated from the Armed Forces under honorable conditions or who is currently serving in a second or subsequent enlistment. A person who was separated from the Armed Forces under honorable conditions and whose death or disability was incurred (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war, is also a "veteran" and the death or disability is wartime service-connected. (1967, c. 1060, s. 8; 1969, c. 720, s. 3; c. 741, ss. 1, 2; 1971, c. 339; 1973, c. 620, s. 9; c. 755; 1975, c. 160, s. 1; 1977, c. 70, s. 27; 1985, c. 39, s. 2; c. 788; 1989, c. 767, s. 1; 1991, c. 549, s. 1; 2001-424, s. 7.1(a); 2002-126, s. 19.3(a); 2008-107, s. 19.2(b); 2008-187, s. 48; 2008-192, s. 11; 2011-183, s. 115; 2015-241, s. 24.1(c), (hh); 2015-268, s. 7.3(a); 2017-57, s. 19.2(a); 2019-201, s. 4(a).)

**§ 143B-1225. Scholarship.**

- (a) A scholarship granted pursuant to this Part shall consist of the following benefits in either a State or private educational institution:
  - (1) With respect to State educational institutions, unless expressly limited elsewhere in this Part, a scholarship shall consist of:
    - a. Tuition at the State educational institution.
    - b. A standard board allowance.
    - c. A standard room allowance.
    - d. Matriculation and other institutional fees required to be paid as a condition to remaining in the institution and pursuing the course of study selected.
    - e. For Class I-A, I-B, and IV scholarships, as defined by G.S. 143B-1226(b), the cost of short-term workforce training courses leading to industry credentials.
  - (2) With respect to private educational institutions, a scholarship shall consist of a monetary allowance as prescribed in G.S. 143B-1227(d).
  - (3) Only one scholarship may be granted pursuant to this Part with respect to each child and it shall not extend for a longer period than four academic years, which years, however, need not be consecutive.
  - (4) No educational assistance shall be afforded a child under this Part after the end of an eight-year period beginning on the date the scholarship is first awarded.

Whenever a child is enrolled in an educational institution and the period of entitlement ends while enrolled in a term, quarter or semester, such period shall be extended to the end of such term, quarter or semester, but not beyond the entitlement limitation of four academic years.

- (5) A scholarship awarded to a student under this section shall not exceed the cost of attendance at the State educational institution at which the student is enrolled. If a student, who is eligible for a scholarship under this section, also receives a scholarship or other grant covering the cost of attendance at the State educational institution for which the scholarship is awarded, then the amount of the scholarship shall be reduced by an appropriate amount determined by the State educational institution at which the student is enrolled. The scholarship shall be reduced so that the sum of all grants and scholarship aid covering the cost of attendance received by the student, including the scholarship under this section, shall not exceed the cost of attendance for the State educational institution at which the student is enrolled.

(b) If a child is awarded a scholarship under this Part, the Commission shall notify the recipient by May 1st of the year in which the recipient enrolls in college. (1967, c. 1060, s. 8; 1969, c. 741, s. 3; 1975, c. 137, s. 1; 1989, c. 767, s. 2; 2001-424, s. 7.1(b); 2002-126, s. 19.3(b); 2008-107, s. 19.2(a); 2015-241, s. 24.1(c), (ii); 2015-268, s. 7.3(a); 2019-214, s. 1(a); 2020-78, s. 17.3.)

**§ 143B-1226. Classes or categories of eligibility under which scholarships may be awarded.**

(a) Scholarship Consideration. – A child, as defined in this Part, who falls within the provisions of any eligibility class described in subsection (b) of this section shall, upon proper application, be considered for a scholarship, subject to the provisions and limitations set forth for the class under which the child is considered. A child may be considered for a scholarship under more than one eligibility class as long as the child falls within the provisions and is subject to the limitations of each class for which the child is being considered. A child may be awarded only one scholarship as provided in G.S. 143B-1225(a)(3).

(b) Scholarship Eligibility Classes. –

- (1) Class I-A: Under this class a scholarship shall be awarded to any child whose veteran parent:
- a. Was killed in action or died from wounds or other causes not due to the parent's own willful misconduct while a member of the Armed Forces during a period of war, or
  - b. Has died of service-connected injuries, wounds, illness or other causes incurred or aggravated during wartime service in the Armed Forces, as rated by the United States Department of Veterans Affairs.
- (2) Class I-B: Under this class a limited scholarship providing only those benefits set forth in G.S. 143B-1225(a)(1)a., d., and e., and G.S. 143B-1225(a)(2) shall be awarded to any child whose veteran parent, at the time the benefits pursuant to this Part are sought to be availed of, is or was at the time of his death receiving compensation for a wartime service-connected disability of one hundred percent (100%) as rated by the United States Department of Veterans Affairs. Provided, that if the veteran parent of a recipient under this class should die of his wartime service-connected condition before the recipient shall have utilized

all of his scholarship eligibility time, then the North Carolina Department of Military and Veterans Affairs shall amend the recipient's award from Class I-B to Class I-A for the remainder of the recipient's eligibility time. The effective date of such an amended award shall be determined by the Department of Military and Veterans Affairs but, in no event shall it predate the date of the veteran parent's death.

- (3) Class II: Under this class a scholarship may be awarded to not more than 100 children yearly, each of whose veteran parent, at the time the benefits pursuant to this Part are sought to be availed of:
  - a. Is or was at the time of the parent's death receiving compensation for a wartime service-connected disability of twenty percent (20%) or more, but less than one hundred percent (100%), as rated by the United States Department of Veterans Affairs, or
  - b. Was awarded a Purple Heart for wounds received as a result of an act of any opposing armed force, as a result of an international terrorist attack, or as a result of military operations while serving as part of a peacekeeping force.
- (4) Class III: Under this class a scholarship may be awarded to not more than 100 children yearly, each of whose veteran parent, at the time the benefits pursuant to this Part are sought to be availed of:
  - a. Is or was at the time of his death drawing pension for permanent and total disability, nonservice-connected, as rated by the United States Department of Veterans Affairs.
  - b. Is deceased.
  - c. Served in a combat zone, or waters adjacent to a combat zone, or any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal.
- (5) Class IV: Under this class a scholarship as defined in G.S. 143B-1225 shall be awarded to any child whose parent, while serving honorably as a member of the Armed Forces in active federal service during a period of war, as defined in G.S. 143B-1224(4), was listed by the United States government as (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power. (1967, c. 1060, s. 8; 1973, cc. 197, 577; c. 620, s. 9; 1975, c. 160, s. 2; c. 167, s. 1; 1977, c. 70, s. 27; 1989, c. 767, ss. 3, 4; 1991, c. 549, s. 2; 2002-126, s. 19.3(c); 2011-183, s. 116; 2015-241, s. 24.1(c), (jj); 2015-268, s. 7.3(a); 2017-57, s. 19.2(b); 2018-5, s. 19.2; 2018-37, s. 2(a); 2019-201, s. 4(b); 2019-214, s. 1(b).)

#### **§ 143B-1227. Administration and funding.**

(a) The administration of the scholarship program shall be vested in the Department of Military and Veterans Affairs, and the disbursing and accounting activities required shall be a responsibility of the Department of Military and Veterans Affairs. The Veterans' Affairs Commission shall determine the eligibility of applicants, select the scholarship recipients, establish the effective date of scholarships, and may suspend or revoke scholarships if the Veterans' Affairs Commission finds that the recipient does not comply with the registration requirements of the Selective Service System or does not maintain an adequate academic status, or if the recipient

engages in riots, unlawful demonstrations, the seizure of educational buildings, or otherwise engages in disorderly conduct, breaches of the peace or unlawful assemblies. The Department of Military and Veterans Affairs shall maintain the primary and necessary records, and the Veterans' Affairs Commission shall promulgate such rules and regulations not inconsistent with the other provisions of this Part as it deems necessary for the orderly administration of the program. It may require of State or private educational institutions, as defined in this Part, such reports and other information as it may need to carry out the provisions of this Part. The Department of Military and Veterans Affairs shall disburse scholarship payments for recipients certified eligible by the Department of Military and Veterans Affairs upon certification of enrollment by the enrolling institution.

(b) Funds for the support of this program shall be appropriated to the Department of Military and Veterans Affairs as a reserve for payment of the allocable costs for room, board, tuition, and other charges, and shall be placed in a separate budget code from which disbursements shall be made. Funds to support the program shall be supported by receipts from the Escheat Fund, as provided by G.S. 116B-7, but those funds may be used only for worthy and needy residents of this State who are enrolled in public institutions of higher education of this State. In the event the said appropriation for any year is insufficient to pay the full amounts allocable under the provisions of this Part, such supplemental sums as may be necessary shall be allocated from the Contingency and Emergency Fund. The method of disbursing and accounting for funds allocated for payments under the provisions of this section shall be in accordance with those standards and procedures prescribed by the Director of the Budget, pursuant to the State Budget Act.

(c) Allowances for room and board in State educational institutions shall be at such rate as established by the Secretary of the Department of Military and Veterans Affairs.

(d) Scholarship recipients electing to attend a private educational institution shall be granted a monetary allowance for each term or other academic period attended under their respective scholarship awards. All recipients under Class I-B scholarship shall receive an allowance at one rate, irrespective of course or institution; all recipients under Classes I-A, II, III and IV shall receive a uniform allowance at a rate higher than for Class I-B, irrespective of course or institution. The amount of said allowances shall be determined by the Director of the Budget and made known prior to the beginning of each fall quarter or semester; provided that the Director of the Budget may change the allowances at intermediate periods when in his judgment such changes are necessary. Disbursements by the State shall be to the private institution concerned, for credit to the account of each recipient attending said institution. The manner of payment to any private institution shall be as prescribed by the Department of Military and Veterans Affairs. The participation by any private institution in the program shall be subject to the applicable provisions of this Part and to examination by State auditors of the accounts of scholarship recipients attending or having attended private institutions. The Veterans' Affairs Commission may defer making an award or may suspend an award in any private institution which does not comply with the provisions of this Part relating to said institutions.

(e) Irrespective of other provisions of this Part, the Veterans' Affairs Commission may prescribe special procedures for adjusting the accounts of scholarship recipients who for reasons of illness, physical inability to attend class or for other valid reason satisfactory to the Veterans' Affairs Commission may withdraw from State or private educational institutions prior to the completion of the term, semester, quarter or other academic period being attended at the time of withdrawal. Such procedures may include, but shall not be limited to, paying the recipient the dollar value of his unused entitlements for the academic period being attended, with a

corresponding deduction of this period from his remaining scholarship eligibility time. (1967, c. 1060, s. 8; 1969, c. 720, ss. 4, 5; c. 741, s. 4; 1971, c. 458; 1973, c. 620, s. 9; 1975, c. 19, s. 71; c. 160, s. 3; 1977, c. 70, s. 27; 1985, c. 39, s. 3; 2002-126, s. 19.3(d); 2003-284, s. 18.5(a); 2015-241, ss. 24.1(c), (kk); 2015-268, s. 7.3(a).)

**§ 143B-1228. Report on scholarships.**

By January 1 of each year, the Department of Military and Veterans Affairs shall report to the Joint Legislative Oversight Committee on General Government, the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, and the Fiscal Research Division the following data on the Scholarships for Children of Wartime Veterans program:

- (1) Description of the scholarship program, by year, including statutory establishment, purpose, and eligibility.
- (2) Number of scholarships awarded in each of the past five fiscal years and sorted by:
  - a. Number of full-time students receiving scholarships and grouped by public, private, and community colleges.
  - b. Number of new applicants for scholarships.
  - c. Number of new scholarship awards offered, denied, and accepted.
  - d. Range and average amount of scholarships awarded.
  - e. Actual amount of award provided.
  - f. Scholarship awards offered and accepted by county.
  - g. Number of scholarship recipients who completed the degree requirements for graduation.
  - h. Total expenditures for scholarship awards classified by source, including State funds and Escheats Fund.
  - i. Total costs of administering the scholarship program. (2021-180, s. 33.4.)

**§ 143B-1229:** Reserved for future codification purposes.

**§ 143B-1230:** Reserved for future codification purposes.

**§ 143B-1231:** Reserved for future codification purposes.

**§ 143B-1232:** Reserved for future codification purposes.

**§ 143B-1233:** Reserved for future codification purposes.

**§ 143B-1234:** Reserved for future codification purposes.

Part 3. Jobs for Veterans Committee.

**§ 143B-1235. Governor's Jobs for Veterans Committee – creation; appointment, organization, etc.; duties.**

(a) There is hereby created and established in the North Carolina Department of Military and Veterans Affairs, a committee to be known as the Governor's Jobs for Veterans Committee,

with one member from each Congressional district, appointed by the Governor. Members of the Committee shall serve at the pleasure of the Governor. The Secretary of Military and Veterans Affairs with the concurrence of the Governor, shall appoint a chairman to administer this Committee who shall be subject to the direction and supervision of the Secretary. The chairman shall serve at the pleasure of the Secretary. The chairman shall devote full time to his duties of office.

(b) The duties of the chairman shall include but not be limited to the following, as delegated by the Secretary of Military and Veterans Affairs:

- (1) Serving as a liaison between the Office of the Governor and all State agencies to insure that veterans receive the employment preference to which they are legally entitled and that such State agencies list available jobs with appropriate public employment services;
- (2) Evaluating existing programs designed to benefit veterans and submitting reports and recommendations to the Governor and Secretary;
- (3) Developing and furthering favorable employer attitudes toward the employment of veterans by appropriate promulgation of information concerning veterans and the functions of the Committee;
- (4) Serving as a liaison between the Committee and communities throughout the State to the end that civic committees and volunteer groups are formed and utilized to promote the objectives of the Committee;
- (5) Assisting employers in properly designing affirmative action plans as they relate to handicapped and Vietnam-era veterans;
- (6) Serving as a liaison between veterans and State agencies on questions regarding the employment practices of such State agencies. (1977, c. 1032; 1985, c. 479, s. 166; 2015-241, ss. 24.1(d), (dd); 2015-268, s. 7.3(a).)

**§ 143B-1236. Governor's Jobs for Veterans Committee – authority to receive grants-in-aid.**

The Committee is hereby authorized to receive grants-in-aid from the federal government and charitable organizations for carrying out its duties. (1977, c. 1032; 2015-241, s. 24.1(d); 2015-268, s. 7.3(a).)

**§ 143B-1237:** Reserved for future codification purposes.

**§ 143B-1238:** Reserved for future codification purposes.

**§ 143B-1239:** Reserved for future codification purposes.

Part 4. Minor Veterans.

**§ 143B-1240. Short title.**

This Part may be cited as "The Minor Veterans Enabling Act." (1945, c. 770; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

**§ 143B-1241. Definition.**

As used in this Part, "veteran" means any person who may be entitled to any benefits or rights under the laws of the United States, by reason of service in the Armed Forces of the United States. (1945, c. 770; 1967, c. 1060, s. 2; 2011-183, s. 113; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

**§ 143B-1242. Application of Part.**

This Part applies to every person, either male or female, 18 years of age or over, but under 21 years of age, who is, or who may become, entitled to any rights or benefits under the laws of the United States relating to veterans benefits. (1945, c. 770; 1967, c. 1060, s. 3; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

**§ 143B-1243. Purpose of Part.**

The purpose of this Part is to remove the disqualification of age which would otherwise prevent persons to whom this Part applies from taking advantage of any right or benefit to which they may be or may become entitled under the laws of the United States relating to veterans benefits, and to assure those dealing with such minor persons that the acts of such minors shall not be invalid or voidable by reason of the age of such minors, but shall in all respects be as fully binding as if said minors had attained their majority; and this Part shall be liberally construed to accomplish that purpose. (1945, c. 770; 1967, c. 1060, s. 4; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

**§ 143B-1244. Rights conferred; limitation.**

(a) Every person to whom this Part applies is hereby authorized and empowered, in his or her own name without order of court or the intervention of any guardian or trustee:

- (1) To purchase or lease any property, either real or personal, or both, which such person may deem it desirable to purchase or lease in order to avail himself or herself of any of the benefits of the laws of United States relating to veterans benefits, and take title to such property in his or her own name or in the name of himself or herself and spouse.
- (2) To execute any note or similar instrument for any part or all of the purchase price of any property purchased pursuant to subdivision (1) of this section and to secure the payment thereof by retained title contract, mortgage, deed of trust or other similar or appropriate instrument.
- (3) To execute any other contract or instrument which such person may deem necessary in order to enable such person to secure the benefits of the laws of the United States relating to veterans benefits.
- (4) To execute any contract or instrument which such person may deem necessary or proper in order to enable such person to make full use of any property purchased pursuant to the provisions of the laws of the United States relating to veterans benefits, including the right to dispose of such property; such contracts to include but not to be limited to the following:
  - a. With respect to a home: Contracts for insurance, repairs, and services such as gas, water, and lights, and contracts for furniture and other equipment.
  - b. With respect to a farm: Contracts such as are included in paragraph (a) of this subdivision (4) above, together with contracts for livestock, seeds, fertilizer and farm equipment and machinery, and contracts for farm labor and other farm services.
  - c. With respect to a business: Contracts such as are included in paragraph (a) of this subdivision (4), together with such other contracts as such

person may deem necessary or proper for the maintenance and operation of such business.

(b) Every person to whom this Part applies may execute such contracts as are hereby authorized in his own name without any order from any court, and without the intervention of a guardian or trustee, and no note, mortgage, conveyance, deed of trust, contract, or other instrument, conveyance or action within the purview of this Part shall be invalid, voidable or defective by reason of the fact that the person executing or performing the same was at the time a minor.

(c) In respect to any action at law or special proceeding in relation to any transaction within the purview of this Part, every minor person to whom this Part applies shall appear and plead in his or her own name and right without the intervention of any guardian or trustee, and every such minor person shall be considered a legal party to any such action at law or special proceeding in all respects as if such person had attained the age of 21 years. No such minor shall hereafter interpose the defense of lack of legal capacity by reason of age in connection with any transaction within the purview of this Part, nor disavow any such transaction upon coming of age.

(d) All such authority and power as are conferred by this Part are subject to all applicable provisions of the laws of the United States relating to veterans benefits. (1945, c. 770; 1967, c. 1060, s. 5; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

§ 143B-1245: Reserved for future codification purposes.

§ 143B-1246: Reserved for future codification purposes.

#### Part 5. Minor Spouses of Veterans.

##### § 143B-1247. Definition.

As used in this Part, "veteran" means any person who may be entitled to any benefits or rights under the laws of the United States, by reason of service in the Armed Forces of the United States. (1945, c. 771; 1967, c. 1060, s. 6; 2011-183, s. 114; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

##### § 143B-1248. Rights conferred.

(a) Any person under the age of 18 years who is the husband or wife of a veteran, is hereby authorized and empowered in his or her own name, and without any order of court or the intervention of a guardian or trustee, to execute any and all contracts, conveyances, and instruments, to take title to property, to defend any action at law, and to do all other acts necessary to make fully available to such veteran, his or her family or dependents, all rights and benefits under the laws of the United States relating to veterans benefits, in as full and ample manner as if such minor husband or wife of such veteran had attained the age of 18 years.

(b) Any person under the age of 18 years, who is the husband or wife of a veteran, is hereby authorized and empowered in his or her own name, and without any order of court or the intervention of a guardian or trustee, to join in the execution of any contract, deed, conveyance or other instrument which may be deemed necessary to enable his or her veteran spouse to make full use of any property purchased pursuant to the provisions of the foregoing subsection, including the right to dispose of such property.

(c) With respect to any action at law or special proceeding in relation to any transaction within the purview of this Part, every minor person to whom this Part applies shall appear and plead in his or her own name and right without the intervention of any guardian or trustee; and every such minor person shall be considered a legal party to any such action at law or special



proceeding in all respects as if such person had attained the age of 18 years. No such minor shall hereafter interpose the defense of lack of legal capacity by reason of age in connection with any transaction within the purview of this Part, nor disavow any such transaction upon coming of age. (1945, c. 771; 1947, c. 905, ss. 1, 2; 1967, c. 1060, s. 7; 1971, c. 1231, s. 1; 1973, c. 1446, s. 12; 2015-241, s. 24.1(f); 2015-268, s. 7.3(a).)

**§ 143B-1249:** Reserved for future codification purposes.

#### Part 6. Veterans' Recreation Authorities.

**§ 143B-1250. Short title.**

This Part may be referred to as the "Veterans' Recreation Authorities Law." (1945, c. 460, s. 1; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1251. Finding and declaration of necessity.**

It is hereby declared that conditions resulting from the concentration in various cities and towns of the State having a population of more than one hundred thousand inhabitants of persons serving in the Armed Forces of the United States in connection with the present war, or who after having served in the Armed Forces of the United States during the present war, or previously have been honorably discharged, require the construction, maintenance and operation of adequate recreation facilities for the use of such persons; that it is in the public interest that adequate recreation facilities be provided in such concentrated centers; and the necessity, in the public interest, for the provisions hereinafter enacted is hereby declared as a matter of legislative determination. (1945, c. 460, s. 2; 2011-183, s. 117; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1252. Definitions.**

The following terms, wherever used or referred to in this Part, shall have the following respective meanings, unless a different meaning clearly appears from the context:

- (1) "Authority" or "recreation authority" shall mean a public body and a body corporate and politic organized in accordance with the provisions of this Part for the purposes, with the powers and subject to the restrictions hereinafter set forth.
- (2) "City" shall mean the city or town having a population of more than one hundred thousand inhabitants (according to the last federal census) which is, or is about to be, included in the territorial boundaries of an authority when created hereunder.
- (3) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor, respectively.
- (4) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this Part.
- (5) "Council" shall mean the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city.
- (6) "Federal government" shall include the United States of America, the Federal Emergency Administration of Public Works or any agency, instrumentality, corporate or otherwise, of the United States of America.

- (7) "Government" shall include the State and federal governments and any subdivision, agency or instrumentality, corporate or otherwise, of any of them.
- (8) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.
- (9) "State" shall mean the State of North Carolina.
- (10) "Veteran" shall include every person who has enlisted or who has been inducted, warranted or commissioned, and who served honorably in active duty in the military service of the United States at any time, and who is honorably separated or discharged from such service, or who, at the time of making use of the facilities, is still in active service, or has been retired, or who has been furloughed to a reserve. This definition shall be liberally construed, with a view completely to effectuate the purpose and intent of this Part.
- (11) "Veterans' recreation project" shall include all real and personal property, buildings and improvements, offices and facilities acquired or constructed, or to be acquired or constructed, pursuant to a single plan or undertaking to provide recreation facilities for veterans in concentrated centers of population. The term "veterans' recreation project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the construction, reconstruction, alteration and repair of the improvements, and all other work in connection therewith. (1945, c. 460, s. 3; 2011-183, s. 118; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1253. Creation of authority.**

If the council of any city in the State having a population of more than one hundred thousand, according to the last federal census, shall, upon such investigation as it deems necessary, determine:

- (1) That there is a lack of adequate veterans' recreation facilities and accommodations from the operations of public or private enterprises in the city and surrounding area; and/or
- (2) That the public interest requires the construction, maintenance or operation of a veterans' recreation project for the veterans thereof, the council shall adopt a resolution so finding (which need not go into any detail other than the mere finding), and shall cause notice of such determination to be given to the mayor, who shall thereupon appoint, as hereinafter provided, five commissioners to act as an authority. Said Commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

The commissioners shall present to the Secretary of State an application signed by them, which shall set forth (without any detail other than the mere recital): (i) that the council has made the aforesaid determination after such investigation, and that the mayor has appointed them as commissioners; (ii) the name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the recreation authority to become a public body and a body corporate and politic under this Part; (iii) the term of office of each of the commissioners; (iv) the name which is proposed for the corporation; and (v) the location and the

principal office of the proposed corporation. The application shall be subscribed and sworn to by each of the said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application, and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty, he shall receive and file it and shall record it in an appropriate book of record in his office.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners a certificate of incorporation pursuant to this Part, under the seal of the State, and shall record the same with the application.

The boundaries of such authority shall include said city and the area within 10 miles from the territorial boundaries of said city, but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority. In case an area lies within 10 miles of the boundaries of more than one city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid certificates by the Secretary of State. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Part upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof. (1945, c. 460, s. 4; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1254. Appointment, qualifications and tenure of commissioners.**

An authority shall consist of five commissioners appointed by the mayor, and he shall designate the first chairman.

Of the commissioners who are first appointed, two shall serve for a term of one year, two for a term of three years, and one for a term of five years, and thereafter, the terms of office for all commissioners shall be five years. A commissioner shall hold office until his successor has been appointed and qualified. Vacancies shall be filled for the unexpired term. Vacancies occurring by expiration of office or otherwise shall be filled in the following manner: The mayor and the remaining commissioners shall have a joint session and shall unanimously select the person to fill the vacancy; but if they are unable to do so, then such fact shall be certified to the resident judge of the superior court of the County in which the authority is located, and he shall fill the vacancy. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a

vice-chairman, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. (1945, c. 460, s. 5; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1255. Duty of the authority and commissioners of the authority.**

The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Part and the laws of the State and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

The commissioners may, in the exercise of their discretion, limit the use of recreational centers under their control in whole or in part to veterans of one sex. They shall have the authority to make rules and regulations regarding the use of the recreational centers and other matters and things coming within their jurisdiction.

They shall have the authority to appoint one or more advisory committees consisting of representatives of various veterans' organizations and others and may delegate to such committee or committees authority to execute the policies and programs of activity adopted by the commissioners. (1945, c. 460, s. 6; 1965, c. 367; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1256. Interested commissioners or employees.**

No commissioner or employee of any authority shall acquire any interest, direct or indirect, in any veterans' recreation project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any such project. If any commissioner or employee of an authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any veterans' recreation project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. (1945, c. 460, s. 7; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1257. Removal of commissioners.**

The mayor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the mayor) at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

If, after due and diligent search, a commissioner to whom charges are required to be delivered hereunder cannot be found within the county where the authority is located, such charges shall be deemed served upon such commissioner if mailed to him at his last known address as same appears upon the records of the authority.

In the event of the removal of any commissioner, the mayor shall file in the office of the city clerk a record of the proceedings, together with the charges made against the commissioner removed, and the findings thereon. (1945, c. 460, s. 8; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1258. Powers of authority.**

An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Part, including the following powers in addition to others herein granted:

To sue and be sued in any court; to make, use and alter a common seal; to purchase, acquire by devise, hold and convey real and personal property; to elect and appoint, in such manner as it determines to be proper, all necessary officers and agents, fix their compensation and define their duties and obligations; to make bylaws and regulations consistent with the laws of the State, for its own government and for the due and orderly conduct of its affairs and management of its property; without limiting the generality of the foregoing, to do any and everything that may be useful and necessary in order to provide recreation for veterans. (1945, c. 460, s. 9; 2011-284, s. 125; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1259. Zoning and building laws.**

All recreation projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the recreation project is situated. (1945, c. 460, s. 10; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1260. Tax exemptions.**

The authority shall be exempt from the payment of any taxes or fees to the State or any subdivisions thereof, or to any officer or employee of the State or any subdivision thereof. The property of an authority shall be exempt from all local, municipal and county taxes, and for the purpose of such tax exemption, it is hereby declared as a matter of legislative determination that an authority is and shall be deemed to be a municipal corporation. (1945, c. 460, s. 11; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1261. Reports.**

The authority shall, at least once a year, file with the mayor of the city an audit report by a certified public accountant of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Part. (1945, c. 460, s. 12; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1262. Exemption from Local Government and County Fiscal Control Acts.**

The authority shall be exempt from the operation and provisions of Chapter 60 of the Public Laws of North Carolina of 1931, known as the "Local Government Act," and the amendments thereto, and from Chapter 146 of the Public Laws of North Carolina of 1927, known as the "County Fiscal Control Act" and the amendments thereto. (1945, c. 460, s. 13; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

#### **§ 143B-1263. Conveyance, lease or transfer of property by a city or county to an authority.**

Any city or county, in order to provide for the construction, reconstruction, improvement, repair or management of any veterans' recreation project, or in order to accomplish any of the purposes of this Part, may, with or without consideration or for a nominal consideration, lease, sell, convey or otherwise transfer to an authority within the territorial boundaries of which such city or county it is wholly or partly located, any real, personal or mixed property, and in connection with any such transaction, the authority involved may accept such lease, transfer, assignment and

conveyance, and bind itself to the performance and observation of any agreements and conditions attached thereto. Any city or county may purchase real property and convey or cause same to be conveyed to an authority. (1945, c. 460, s. 14; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1264. Contracts, etc., with federal government.**

In addition to the powers conferred upon the authority by other provisions of this Part, the authority is empowered to borrow money and/or accept grants from the federal government for or in aid of the construction of any veterans' recreation project which such authority is authorized by this Part to undertake, to take over any land acquired by the federal government for the construction of such a project, to take over, lease or manage any recreation project constructed or owned by the federal government, and to these ends, to enter into such contracts, mortgages, trust indentures, leases and other agreements which the federal government shall have the right to require. It is the purpose and intent of this Part to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the federal government in the construction, maintenance and operation of any veterans' recreation project which the authority is empowered by this Part to undertake. (1945, c. 460, s. 15; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1265. Part controlling.**

Insofar as the provisions of this Part are inconsistent with the provisions of any other law, the provisions of this Part shall be controlling: Provided, that nothing in this Part shall prevent any city or municipality from establishing, equipping and operating a veterans' recreation project, or extending recreation facilities under the provisions of its charter or any general law other than this Part. (1945, c. 460, s. 17; 2015-241, s. 24.1(g); 2015-268, s. 7.3(a).)

**§ 143B-1266:** Reserved for future codification purposes.

**§ 143B-1267:** Reserved for future codification purposes.

**§ 143B-1268:** Reserved for future codification purposes.

**§ 143B-1269:** Reserved for future codification purposes.

Part 7. Powers of Attorney.

**§ 143B-1270. Validity of acts of agent performed after death of principal.**

No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes, either (i) a member of the Armed Forces of the United States, or (ii) a person serving as a merchant seaman outside the limits of the United States, included within the several states and the District of Columbia; or (iii) a person outside said limits by permission, assignment or direction of any department or official of the United States government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, or personal representatives of the

principal. (1945, c. 980, s. 1; 1995, c. 379, s. 5; 2011-183, s. 119; 2011-284, s. 126; 2015-241, s. 24.1(h); 2015-268, s. 7.3(a).)

**§ 143B-1271. Affidavit of agent as to possessing no knowledge of death of principal.**

An affidavit, executed by the attorney in fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this State, such affidavit (when authenticated for record in the manner prescribed by law) shall likewise be recordable. (1945, c. 980, s. 2; 2015-241, s. 24.1(h); 2015-268, s. 7.3(a).)

**§ 143B-1272. Report of "missing" not to constitute revocation.**

No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency. (1945, c. 980, s. 3; 2015-241, s. 24.1(h); 2015-268, s. 7.3(a).)

**§ 143B-1273. Part not to affect provisions for revocation.**

This Part shall not be construed so as to alter or affect any provisions for revocation or termination contained in such power of attorney. (1945, c. 980, s. 4; 2015-241, s. 24.1(h); 2015-268, s. 7.3(a).)

**§ 143B-1274:** Reserved for future codification purposes.

Part 8. Miscellaneous Provisions.

**§ 143B-1275. Protecting status of State employees in Armed Forces, etc.**

Any employee of the State of North Carolina, who has been granted a leave of absence for service in either (i) the Armed Forces of the United States; or (ii) the United States Merchant Marine; or (iii) outside the continental United States with the Red Cross, shall, upon return to State employment, if reemployed in the same position and if within the time limits set forth in the leave of absence, receive an annual salary of at least (i) the annual salary the employee was receiving at the time such leave was granted; plus (ii) an amount obtained by multiplying the step increment applicable to the employee's classification as provided in the classification and salary plan for State employees by the number of years of such service, counting a fraction of a year as a year; provided that no such employee shall receive a salary in excess of the top of the salary range applicable to the classification to which such employee is assigned upon return. (1945, c. 220; 2011-183, s. 120; 2015-241, s. 24.1(i); 2015-268, s. 7.3(a).)

**§ 143B-1276. Korean and Vietnam veterans; benefits and privileges.**

(a) All benefits and privileges now granted by the laws of this State to veterans of World War I and World War II and their dependents and next of kin are hereby extended and granted to veterans of the Korean Conflict and their dependents and next of kin.

For the purposes of this section, the term "veterans of the Korean Conflict" means those persons serving in the Armed Forces of the United States during the period beginning on June 27, 1950, and ending on January 31, 1955.

(b) All benefits and privileges now granted by the laws of this State to veterans of World War I, World War II, the Korean Conflict, and their dependents and next of kin are hereby extended and granted to veterans of the Vietnam era and their dependents and next of kin.

For purposes of this section, the term "veterans of the Vietnam era" means those persons serving in the Armed Forces of the United States during the period beginning August 5, 1964, and ending on such date as shall be prescribed by Presidential proclamation or concurrent resolution of the Congress. (1953, c. 215; 1969, c. 720, ss. 1, 2; 2011-183, s. 121; 2015-241, s. 24.1(i); 2015-268, s. 7.3(a).)

**§ 143B-1277. Wearing of medals by public safety personnel.**

(a) Uniformed public safety officers may wear military service medals during the business week prior to Veterans Day, Memorial Day, and the Fourth of July, the day of Veterans Day, Memorial Day, and the Fourth of July, and the business day immediately following Veterans Day, Memorial Day, and the Fourth of July.

(b) The employer of a uniformed public safety officer shall retain the right to prohibit the wearing of military service medals pursuant to this subsection if the employer determines that wearing the military service medals poses a safety hazard to the uniformed public safety officer or to the public. Any prohibition under this subsection shall only be effective if adopted after this section becomes law.

(c) This section shall be interpreted in accordance with all applicable federal laws and regulations.

(d) The following definitions shall apply in this section:

(1) Military service medal. – Any medal, badge, ribbon, or other decoration awarded by the active or reserve components of the Armed Forces of the United States or the North Carolina National Guard to members of those forces.

(2) Public safety officer. – An employee of a public safety agency who is a law enforcement officer, a firefighter, or emergency medical services personnel.

(e) Uniformed public safety officers may not cover their badges when wearing military service medals in compliance with this section. (2009-240, s. 1; 2011-183, s. 122; 2015-241, s. 24.1(i); 2015-268, s. 7.3(a).)

**§ 143B-1278:** Reserved for future codification purposes.

**§ 143B-1279:** Reserved for future codification purposes.

Part 9. Priority in Employment Assistance for Veterans of the Armed Forces of the United States.

**§ 143B-1280. Purpose.**

The General Assembly finds and declares that veterans in North Carolina represent a strong, productive part of the workforce of this State and are disadvantaged in their pursuit of civilian employment through their delayed entry into the civilian labor market and that it is only proper and in the public interest and public welfare that veterans be provided priority in programs of employment and job training assistance. (1997-171, s. 1; 2015-241, s. 24.1(j); 2015-268, s. 7.3(a).)



**§ 143B-1281. Veteran defined.**

For the purposes of this Part, "veteran" means a person who served on active duty (other than for training) in any component of the Armed Forces of the United States for a period of 180 days or more, unless released earlier because of service-connected disability, and who was discharged or released from the Armed Forces of the United States under honorable conditions. (1997-171, s. 1; 2011-183, s. 124; 2015-241, s. 24.1(j); 2015-268, s. 7.3(a).)

**§ 143B-1282. Priority defined.**

For the purposes of this Part, "priority" for veterans means that eligible veterans who register or otherwise apply for services shall be extended the opportunity to participate in or otherwise receive the services of the covered providers before the providers extend the opportunity or services to other registered applicants. (1997-171, s. 1; 2015-241, s. 24.1(j); 2015-268, s. 7.3(a).)

**§ 143B-1283. Coverage defined.**

This Part shall apply to any State agency, department and institution, any county, city, or other political subdivision of the State, any board or commission, and any other public or private recipient which:

- (1) Receives federal job training funds provided to the State or job training funds appropriated by the General Assembly; and
- (2) Provides employment and job training assistance programs and services, including but not limited to employability assessments, support services referrals, and vocational and educational counseling. (1997-171, s. 1; 2015-241, s. 24.1(j); 2015-268, s. 7.3(a).)

**§ 143B-1284. Priority employment assistance directed.**

All covered service providers, as specified in G.S. 143B-1283, shall establish procedures to provide veterans with priority, not inconsistent with existing federal or State law, to participate in employment and job training assistance programs. (1997-171, s. 1; 2015-241, ss. 24.1(j), (ll); 2015-268, s. 7.3(a).)

**§ 143B-1285. Implementation and performance measures.**

The North Carolina Commission on Workforce Preparedness shall:

- (1) Issue implementing directives that shall apply to all covered service providers as specified in G.S. 143B-1283, and revise those directives as necessary to accomplish the purpose of this Part.
- (2) Develop measures of service for veterans that will serve as indicators of compliance with the provisions of this Part by all covered service providers.
- (3) Annually publish and submit to the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, and the Joint Legislative Economic Development and Global Engagement Oversight Committee, beginning not later than October 1, 1998, a report detailing covered providers' compliance with the provisions of this Part. (1997-171, s. 1; 2015-241, s. 24.1(j), (mm); 2015-268, s. 7.3(a); 2017-57, s. 14.1(s); 2018-142, s. 13(a).)

§ 143B-1286: Reserved for future codification purposes.

§ 143B-1287: Reserved for future codification purposes.

§ 143B-1288: Reserved for future codification purposes.

§ 143B-1289: Reserved for future codification purposes.

#### Part 10. State Veterans Home.

##### § 143B-1290. Short Title.

This Part may be referred to as the "State Veterans Home Act". (1995, c. 346, s. 1; 2015-241, s. 24.1(k); 2015-268, s. 7.3(a).)

##### § 143B-1291. Establishment.

The State of North Carolina shall construct, maintain, and operate veterans homes for the aged and infirm veterans resident in this State under the administrative authority and control of the Department of Military and Veterans Affairs. There is vested in the Department any and all powers and authority that may be necessary to enable it to establish and operate the homes and to issue rules necessary to operate the homes in compliance with applicable State and federal statutes and regulations. (1995, c. 346, s. 1; 2015-241, ss. 24.1(k), (nn); 2015-268, s. 7.3(a).)

##### § 143B-1292. Exemption from certificate of need.

Any state veterans home established by the Department of Military and Veterans Affairs shall be exempt from the certificate of need requirements as set out in Article 9 of Chapter 131E, or as may be hereinafter enacted. (1995, c. 346, s. 1; 2015-241, ss. 24.1(k), (oo); 2015-268, s. 7.3(a).)

##### § 143B-1293. North Carolina Veterans Home Trust Fund.

(a) Establishment. – A trust fund shall be established in the State treasury, for the Department of Military and Veterans Affairs, to be known as the North Carolina Veterans Home Trust Fund.

(b) Composition. – The trust fund shall consist of all funds and monies received by the Veterans' Affairs Commission or the Department of Military and Veterans Affairs from the United States, any federal agency or institution, and any other source, whether as a grant, appropriation, gift, contribution, devise, or individual reimbursement, for the care and support of veterans who have been admitted to a State veterans home.

(c) Use of Fund. – The trust fund created in subsection (a) of this section shall be used by the Department of Military and Veterans Affairs to do the following:

- (1) To pay for the care of veterans in said State veterans homes;
- (2) To pay the general operating expenses of the State veterans homes, including the payment of salaries and wages of officials and employees of said homes; and
- (3) To remodel, repair, construct, modernize, or add improvements to buildings and facilities at the homes.

(d) Miscellaneous. – The following provisions apply to the trust fund created in subsection (a) of this section:

- (1) All funds deposited and all income earned on the investment or reinvestment of such funds shall be credited to the trust fund.
- (1a) The Department of Military and Veterans Affairs shall transfer ten percent (10%) of the unspent receipts collected in each fiscal year from the trust fund to the North Carolina Veterans Cemeteries Trust Fund on or before June 30 of each fiscal year.
- (2) Except as provided in subdivision (1a) of this subsection, monies remaining in the trust fund at the end of each fiscal year shall remain on deposit in the State treasury to the credit of the North Carolina Veterans Home Trust Fund.
- (3) Nothing contained herein shall prohibit the establishment and utilization of special agency accounts by the Department of Military and Veterans Affairs or by the Veterans' Affairs Commission, for the receipt and disbursement of personal funds of the State veterans homes' residents or for receipt and disbursement of charitable contributions for use by and for residents. (1995, c. 346, s. 1; 2011-284, s. 127; 2015-241, s. 24.1(k), (pp); 2015-268, s. 7.3(a), (b); 2021-180, s. 33.5(b).)

#### **§ 143B-1294. Funding.**

(a) The Department of Military and Veterans Affairs may apply for and receive federal aid and assistance from the United States Department of Veterans Affairs or any other agency of the United States Government authorized to pay federal aid to states for the construction and acquisition of veterans homes under Title 38, United States Code, section 8131 et seq., or for the care or support of disabled veterans in State veterans homes under Title 38, United States Code, section 1741 et seq., or from any other federal law for said purposes.

(b) The Department may receive from any source any gift, contribution, devise, or individual reimbursement, the receipt of which does not exclude any other source of revenue.

(c) All funds received by the Department shall be deposited in the North Carolina Veterans Home Trust Fund, except for any funds deposited into special agency accounts established pursuant to G.S. 143B-1293(d)(3). The Veterans' Affairs Commission shall authorize the expenditure of all funds from the North Carolina Veterans Home Trust Fund. The Veterans' Affairs Commission may delegate authority to the Assistant Secretary of Veterans Affairs for the expenditure of funds from the North Carolina Veterans Home Trust Fund for operations of the State Veterans Nursing Homes. (1995, c. 346, s. 1; 2001-117, s. 1; 2011-284, s. 128; 2015-241, ss. 24.1(k), (qq); 2015-268, s. 7.3(a).)

#### **§ 143B-1295. Contracted operation of homes.**

The Veterans' Affairs Commission may contract with persons or other nongovernmental entities to operate each State veterans home. Contracts for the procurement of services to manage, administer, and operate any State veterans home shall be awarded on a competitive basis through the solicitation of proposals and through the procedures established by statute and the Division of Purchase and Contract. A contract may be awarded to the vendor whose proposal is most advantageous to the State, taking into consideration cost, program suitability, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, experience and past performance, and any other qualities deemed necessary by the Veterans' Affairs Commission and set out in the solicitation for proposals. Any contract awarded under this section shall not exceed five years in length. The Veterans' Affairs Commission is not

required to select or recommend the vendor offering the lowest cost proposal but shall select or recommend the vendor who, in the opinion of the Commission, offers the proposal most advantageous to the veterans and the State of North Carolina. (1995, c. 346, s. 1; 2015-241, ss. 24.1(k), (rr); 2015-268, s. 7.3(a).)

**§ 143B-1296. Program staff.**

The Department shall appoint and fix the salary of an Administrative Officer for the State veterans home program. The Administrative Officer shall be an honorably discharged veteran who has served in active military service in the Armed Forces of the United States for other than training purposes. The Administrative Officer shall direct the establishment of the State veterans home program, coordinate the master planning, land acquisition, and construction of all State veterans homes under the procedures of the Office of State Construction, and oversee the ongoing operation of said veterans homes. The Division may hire any required additional administrative staff to help with administrative and operational responsibilities at each established State veterans home. (1995, c. 346, s. 1; 2001-117, s. 2; 2011-183, s. 125; 2015-241, ss. 24.1(k), (ss); 2015-268, s. 7.3(a).)

**§ 143B-1297. Admission and dismissal authority.**

The Veterans' Affairs Commission shall have authority to determine administrative standards for admission and dismissal, as well as the medical conditions, of all persons admitted to and dismissed from any State veterans home, and to issue any necessary rules, subject to the requirements set out in G.S. 143B-1298. (1995, c. 346, s. 1; 2015-241, ss. 24.1(k), (tt); 2015-268, s. 7.3(a).)

**§ 143B-1298. Eligibility and priorities.**

(a) To be eligible for admission to a State veterans home, an applicant shall meet the following requirements:

- (1) The veteran shall have served in the active Armed Forces of the United States for other than training purposes;
- (2) The veteran shall have been discharged from the Armed Forces of the United States under honorable conditions;
- (3) The veteran shall be disabled by age, disease, or other reason as determined through a physical examination by a State veterans home physician; and
- (4) The veteran shall have resided in the State of North Carolina for two years immediately prior to the date of application.

(b) Eligible veterans will be admitted into a State veterans home or place on waiting lists for admission into a home according to the following priorities:

- (1) Eligible wartime veterans will receive priority over eligible nonwartime veterans and will be admitted to the first available bed capable of providing the level of care required. Eligible wartime veterans with equal care requirements will be ranked in chronological order based on the earliest date of receipt of the veteran's application for care.
- (2) All other eligible veterans will be ranked in chronological order based on the earliest date of receipt of the veteran's application for care. If more than one application is received on the same date, the Administrative Officer will determine their sequential order on the list according to medical need.

(c) Nonveterans may occupy no more than twenty-five percent (25%) of the total beds in a State veterans home. When any space is available for nonveterans, priority will be established for the following relatives of eligible veterans in the following order:

- (1) Spouse.
- (2) Widow or widower whose spouse, if living, would be an eligible veteran.
- (3) Gold Star parents, defined as the mother or father of a veteran who died an honorable death while in active service to the United States during time of war or emergency. (1995, c. 346, s. 1; 2001-117, s. 3; 2011-183, s. 126; 2015-241, s. 24.1(k); 2015-268, s. 7.3(a).)

#### **§ 143B-1299. Deposit required.**

Each resident of any State veterans home shall pay to the Department of Military and Veterans Affairs the cost of maintaining his or her residence at the home. This deposit shall be placed in the North Carolina Veterans Home Trust Fund and shall be in an amount and in the form prescribed by the Veterans' Affairs Commission in consultation with the Assistant Secretary for Veterans Affairs. (1995, c. 346, s. 1; 2015-241, ss. 24.1(k), (uu); 2015-268, s. 7.3(a).)

#### **§ 143B-1300. Report and budget.**

(a) The Assistant Secretary for Veterans Affairs shall report annually to the Secretary of the Department of Military and Veterans Affairs and the Joint Legislative Oversight Committee on General Government on the activities of the State Veterans Homes Program. This report shall contain an accounting of all monies received and expended, statistics on residents in the homes during the year, recommendations to the Secretary, the Governor, and the General Assembly as to the program, and such other matters as may be deemed pertinent.

(b) The Assistant Secretary for Veterans Affairs, with the approval of the Veterans' Affairs Commission, shall compile an annual budget request for any State funding needed for the anticipated costs of the homes, which shall be submitted to the Secretary of the Department of Military and Veterans Affairs. State appropriated funds for operational needs shall be made available only in the event that other sources are insufficient to cover essential operating costs. (1995, c. 346, s. 1; 2015-241, s. 24.1(k), (vv); 2015-268, s. 7.3(a); 2021-180, s. 37.9(b).)

#### **§ 143B-1301. Detailed annual report.**

By March 1 of odd-numbered years and September 1 of even-numbered years, the Department of Military and Veterans Affairs shall report to the Joint Legislative Oversight Committee on General Government, the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, and the Fiscal Research Division on the status of the State Veterans Homes program by providing a general overview of the State Veterans Homes and a specific description of each facility which shall include, at a minimum, all of the following:

- (1) Facility location and date opened, which shall be included in the first report only, unless the information has changed.
- (2) Services available, including specialty services offered.
- (3) Staffing levels, including resident-to-nursing ratios.
- (4) Partnerships with outside organizations and governments in delivery of services.
- (5) Average daily census.

- (6) Number of beds, by type.
- (7) Admission eligibility, admission by type, such as long-term care and rehabilitation, and admissions by referral.
- (8) Description of residents, including:
  - a. Demographics by age, race, ethnicity, and gender.
  - b. Resident's home county where domiciled prior to admission to facility.
  - c. Number of admissions, discharges, and deaths.
- (9) Results of resident and family satisfaction surveys.
- (10) Waiting list data, including average length of wait time and priority for admission.
- (11) Certification and quality rating by independent organizations and State and federal government.
- (12) Daily rate by payor, including Medicare, Medicaid, Veterans Affairs, private pay, or any other source.
- (13) Average out-of-pocket payment per resident.
- (14) State administrative costs, sorted by type, including staffing, fixed costs, facility operation, and maintenance.
- (15) Total receipts collected, by source, including Medicare, Medicaid, Veterans Affairs, private pay, or any other source. (2021-180, s. 33.2.)

§ 143B-1302: Reserved for future codification purposes.

§ 143B-1303: Reserved for future codification purposes.

§ 143B-1304: Reserved for future codification purposes.

§ 143B-1305: Reserved for future codification purposes.

§ 143B-1306: Reserved for future codification purposes.

§ 143B-1307: Reserved for future codification purposes.

§ 143B-1308: Reserved for future codification purposes.

§ 143B-1309: Reserved for future codification purposes.

#### Part 11. North Carolina Military Affairs Commission.

##### § 143B-1310. **Commission established; purpose; transaction of business.**

(a) Establishment. – There is established the North Carolina Military Affairs Commission. The Commission shall be assigned to the Department of Military and Veterans Affairs solely for purposes of G.S. 143B-14(a). As authorized by G.S. 143B-14(b), the Commission shall exercise all its powers, duties, and functions independently. Notwithstanding G.S. 143B-14(d), the Secretary of Military and Veterans Affairs shall not perform any of the Commission's management functions. Consistent with G.S. 143B-14(a), the Department of Military and Veterans Affairs shall provide the following administrative services to the Commission:

- (1) Noticing and providing space for meetings of the Commission and its committees.
  - (2) Taking minutes of the Commission's meetings.
  - (3) Reimbursing per diem, subsistence, and travel expenses pursuant to G.S. 143B-1311(h).
  - (4) Serving as a liaison among the committees of the Commission.
  - (5) Any other administrative services requested by the Commission.
- (b) Purpose. – The Commission shall provide advice, counsel, and recommendations to the General Assembly, the Secretary of Military and Veterans Affairs, and other State agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the State. The Commission is authorized to do all of the following:
- (1) Coordinate and provide recommendations to the Governor, General Assembly, and State agencies to protect North Carolina's military installations from encroachment or other initiatives that could result in degradation or restrictions to military operations, training ranges, or low-level routes.
  - (2) Cooperate with military installations to facilitate the military mission, training, and continued presence of major military installations in the State and notify the commanding military officer of a military installation and the governing body in affected counties and municipalities of any economic development or other projects that may impact military installations.
  - (3) Identify and support ways to provide a sound infrastructure, adequate housing and education, and transition support into North Carolina's workforce for military members and their families, military retirees, and veterans.
  - (4) Lead the State's initiative to prepare for the next round of Base Realignment and Closure (BRAC), as defined by the Governor and the General Assembly, with input from local military communities.
  - (5) Identify and support economic development organizations and initiatives that focus on leveraging the military and other business opportunities to help create jobs and expand defense and homeland security related economic development activity in North Carolina.
  - (6) Assist military installations located within the State by coordinating with commanders, communities, and State and federal agencies on affairs that affect military installations and may require State coordination and assistance.
  - (7) Support the long-term goal of a viable and prosperous military presence in the State, which shall include development of comprehensive economic impact studies of military activities in North Carolina, updated every two years with recommendations for initiatives to support this goal.
  - (8) Support the Army's Compatible Use Buffer Program, the Working Lands Group, and related initiatives.
  - (9) Adopt processes to ensure that all planning, coordination, and actions are conducted with timely consideration having been given to relevant military readiness or training concerns and with appropriate communications with all potentially affected military entities.
  - (10) Share information and coordinate efforts with the North Carolina congressional delegation and other federal agencies, as appropriate.

(11) Any other issue or matter that the Commission deems essential to fulfilling its purpose.

(c) Transaction of Business. – The Commission shall meet, at a minimum, at least once during each quarter and shall provide a report on military affairs to the Secretary of Military and Veterans Affairs and the Joint Legislative Oversight Committee on General Government at least every six months. Prior to the start of a Regular Session of the General Assembly, the Commission shall report to the Joint Legislative Oversight Committee on General Government with recommendations, if any, for legislation. Priority actions or issues may be submitted at any time.

(d) Meetings and Records. – In accordance with Article 33C of Chapter 143 of the General Statutes and Chapter 132 of the General Statutes, the Commission may withhold documents and discussions related to the federal government's process to determine closure or realignment of military installations withheld from public inspection so long as public inspection would frustrate the purpose of confidentiality. (2001-424, s. 12.1; 2013-227, s. 2; 2014-79, s. 6; 2015-241, s. 24.1(l), (w); 2015-268, s. 7.3(a); 2017-57, s. 19.1(b); 2021-180, s. 37.9(c).)

### **§ 143B-1310.1. Strategic plan.**

(a) Strategic Plan. – The Military Affairs Commission shall adopt a comprehensive strategic plan to enhance North Carolina military installations and their missions. The strategic plan shall include specific objectives related to the following topics:

- (1) Supporting and enhancing existing military installations and missions.
- (2) Attracting new military assets and missions to North Carolina.
- (3) Expanding military-related economic development in North Carolina.
- (4) Improving the quality of life for military members and their families, military retirees, and veterans.
- (5) Advocating military-related issues to the General Assembly, the United States Congress, and State and federal agencies.
- (6) Any other topic related to enhancing North Carolina military installations and their missions.

(b) Update, Review, and Report. – The Commission shall update this plan every four years. The Commission shall annually review the State's performance based on this plan and shall annually report the results of its review to the Joint Legislative Oversight Committee on General Government. (2017-64, s. 1.)

### **§ 143B-1311. Membership.**

(a) The North Carolina Military Affairs Commission shall consist of 23 voting members who are appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, nonvoting members, and nonvoting ex officio members as designated in this section.

(b) The voting members of the Commission shall be appointed as follows:

- (1) Thirteen members appointed by the Governor, consisting of:
  - a. One person residing near Camp Lejeune, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - b. One person residing near Marine Corps Air Station Cherry Point, who is retired from the military and is actively involved in a military affairs



- organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
- c. One person residing near Seymour Johnson Air Force Base, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - d. One person residing near Ft. Bragg, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - e. One person residing near Coast Guard Station Elizabeth City, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - f. Six persons who may reside in any part of the State, who are involved in military issues through civic, commercial, or governmental relationships.
  - g. One person who is a resident of North Carolina with a long-term connection to the State and who is a current or retired member of the North Carolina National Guard involved in a military affairs organization or involved in military issues through civil, commercial, or governmental relationships.
  - h. One person who is a resident of North Carolina with a long-term connection to the State and who is a current or retired member of a reserve component of the Air Force, Army, Navy, or Marines and who is involved in a military affairs organization or involved in military issues through civic, commercial, or governmental relationships.
- (2) Five members appointed by the Speaker of the House of Representatives, consisting of:
- a. One member of the House of Representatives. A House member who has served in the military or has extensive experience in the area of military affairs shall be selected.
  - b. One person residing near Camp Lejeune, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - c. One person residing near Marine Corps Air Station Cherry Point, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - d. One person residing near Seymour Johnson Air Force Base, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - e. One person residing near Ft. Bragg, who is retired from the military and is actively involved in a military affairs organization, or a person who is

involved in military issues through civic, commercial, or governmental relationships.

- (3) Five members appointed by the President Pro Tempore of the Senate, consisting of:
- a. One member of the Senate. A Senate member who has served in the military or has extensive experience in the area of military affairs shall be selected.
  - b. One person residing near Camp Lejeune, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - c. One person residing near Marine Corps Air Station Cherry Point, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - d. One person residing near Seymour Johnson Air Force Base, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.
  - e. One person residing near Ft. Bragg, who is retired from the military and is actively involved in a military affairs organization, or a person who is involved in military issues through civic, commercial, or governmental relationships.

(c) The following members of the General Assembly shall serve as nonvoting members of the Commission:

- (1) One member of the House of Representatives, appointed by the Speaker of the House of Representatives, who represents a district which contains all or any portion of one of the military installations described in sub-subdivisions b. through e. of subdivision (2) of subsection (b) of this section.
- (2) One member of the Senate appointed by the President Pro Tempore of the Senate, who represents a district which contains all or any portion of one of the military installations described in sub-subdivisions b. through e. of subdivision (3) of subsection (b) of this section.

(d) The following office holders or their designee, shall serve as nonvoting ex officio members of the Commission:

- (1) The Lieutenant Governor.
- (2) Secretary of Public Safety.
- (2a) Secretary of the Department of Adult Correction.
- (3) Secretary of Commerce.
- (4) The Secretary of Transportation.
- (5) The Secretary of Environmental Quality.
- (6) The Commissioner of Agriculture.
- (7) Adjutant General of the North Carolina National Guard.
- (8) The Mayor of Elizabeth City, or designee.
- (9) The Mayor of Fayetteville, or designee.
- (10) The Mayor of Goldsboro, or designee.

- (11) The Mayor of Havelock, or designee.
- (12) The Mayor of Jacksonville, or designee.
- (13) The Assistant Secretary for Veterans Affairs, Department of Administration.
- (14) The President of The University of North Carolina.
- (15) The President of the North Carolina Community College System.
- (16) The Superintendent of Public Instruction.

(e) The following officers, or their designee, shall be invited to serve as nonvoting ex officio members of the Commission:

- (1) Commanding General, 18th Airborne Corps, Ft. Bragg.
- (2) Commanding General, Marine Corps Installations East.
- (3) Commanding Officer, Marine Corps Air Station, Cherry Point.
- (4) Commanding Officer, 4th Fighter Wing, Seymour Johnson Air Force Base.
- (5) Commanding Officer, U.S. Army Corps of Engineers, Wilmington District.
- (6) Commanding Officer, U.S. Coast Guard Base, Elizabeth City.
- (7) Commanding Officer, Marine Corps Air Station, New River.
- (8) Commanding Officer, Camp Lejeune Marine Corps Base.
- (9) Commanding Officer, Fleet Readiness Center East.
- (10) Commanding Officer, Military Ocean Terminal, Sunny Point.
- (11) Commanding Officer, Coast Guard Sector North Carolina.
- (12) Commanding Officer, Naval Support Activity Hampton Roads.

(f) The Chair of the Commission shall be appointed by the Governor from the voting members of the Commission. A member of the General Assembly who is appointed to the Commission shall not vote on matters that expend funds appropriated by the General Assembly.

(g) The voting members of the Commission shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

- (1) The Governor shall initially appoint seven members for a term of two years and four members for a term of three years.
- (2) The President Pro Tempore of the Senate shall initially appoint the member of the Senate and two members for a term of two years and two members for a term of three years.
- (3) The Speaker of the House of Representatives shall initially appoint the member from the House of Representatives and two members for a term of two years and two members for a term of three years.

Initial terms shall commence on August 1, 2013.

(h) The initial meeting of the Commission shall be within 30 days of the effective date of this act at a time and place to be determined by the Secretary of Commerce. The first order of business at the initial meeting of the Commission shall be the adoption of bylaws and establishment of committees, after which the Commission shall meet upon the call of the Chairman or the Secretary of the Department of Military and Veterans Affairs. The members shall receive no compensation for attendance at meetings, except a per diem expense reimbursement. Members of the Commission who are not officers or employees of the State shall receive reimbursement for subsistence and travel expenses at rates set out in G.S. 138-5 from funds made available to the Commission. Members of the Commission who are officers or employees of the State shall be reimbursed for travel and subsistence at the rates set out in G.S. 138-6 from funds made available to the Commission. The Department of Military and Veterans Affairs shall use funds within its budget for the per diem, subsistence, and travel expenses authorized by this subsection. (2001-424,

s. 12.1; 2001-486, s. 2.9(a), (b); 2004-49, s. 1; 2011-145, ss. 9.6A, 19.1(g); 2013-227, s. 2; 2015-241, ss. 14.30(y), 24.1(l), (x); 2015-268, s. 7.3(a); 2015-297, s. 1; 2017-57, s. 19.1(c); 2018-5, s. 19.3(d); 2021-180, s. 19C.9(bbbb).)

§ 143B-1312: Repealed by Session Laws 2015-241, s. 24.1(y), effective July 1, 2015.

**§ 143B-1314. Protection of sensitive documents.**

(a) In carrying out any purpose set out in G.S. 143B-1310(b), the Commission and the Department of Military and Veterans Affairs may share documents and discussions protected from disclosure under G.S. 132-1.2 and G.S. 143-318.11 with other public bodies. Any information shared under this subsection shall be confidential and exempt from Chapter 132 of the General Statutes to the same extent that it is confidential in the possession of the Commission or the Department.

(b) In carrying out any purpose set out in G.S. 143B-1310(b), the Commission and the Department of Military and Veterans Affairs may share documents and discussions protected from disclosure under G.S. 132-1.2 and G.S. 143-318.11 with any third party in its discretion. Any information shared under this subsection shall be shared under an agreement to keep the information confidential to the same extent that it is confidential in the possession of the Commission or the Department. (2014-79, s. 7; 2015-241, ss. 24.1(l), (z); 2015-268, s. 7.3(a).)

§ 143B-1315: Reserved for future codification purposes.

§ 143B-1316: Reserved for future codification purposes.

§ 143B-1317: Reserved for future codification purposes.

§ 143B-1318: Reserved for future codification purposes.

§ 143B-1319: Reserved for future codification purposes.